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Attorneys for *Plaintiff*, MARCO MILLA

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARCO MILLA an individual,

Plaintiff,

vs.

CITY OF LOS ANGELES a
municipal entity; LOS ANGELES
POLICE DEPARTMENT, a
municipal entity; COUNTY OF LOS
ANGELES, DETECTIVE R. ULLEY
AND DETECTIVE J. VANDER
HORCK, and DOES 1 through 100,
inclusive,

Defendants.

Case No. CV-00134-FWS-MRW

Hon. Judge Fred W. Slaughter

Hon. Magistrate Judge Michael R. Wilner

**PLAINTIFF'S
PROPOSED JURY INSTRUCTION
ON GANG ISSUE**

Trial

Date: 07/05/2023

Time: 08:30 AM

Courtroom: 10D, Santa Ana

Pre-Trial Conference

Date: 06/16/2023

Time: 09:00 AM

Courtroom: 10D, Santa Ana

1 Plaintiff objects per his motion in limine to the admission of any evidence of
2 gang affiliation. Respectfully, initially no victim ever identified any of the assailants
3 as members of the 204th Street gang or any gang for that matter. There were no gang
4 signs thrown and no gang signs made. The assailants were Hispanic and that was it.
5 The police, initially with no evidence pointing the finger at any gang, simply
6 decided to focus their attention on a list of 204th Street gang members. Hence,
7 identity and other issues mentioned by the defense are simply self serving claims to
8 admit extremely prejudicial gang evidence. The cases cited by plaintiff in his motion
9 in limine on gang issue demonstrates that this evidence should be admitted only in
10 extremely limited circumstances. The reason of course is that many citizens (who
11 may be in the jury pool) will use that evidence to deny plaintiff's claims simply
12 because he was a gang member at the time.
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18 If, however, over plaintiff's objection, and pursuant to the Court's order on
19 motions in limine, this Court decides to admit such evidence, the following is
20 plaintiff's proposed limited instruction – and if the Court does admit gang evidence
21 and utilizes this or any other instruction, plaintiff respectfully requests that the Court
22 extensively inquire about this issue in voir dire and permit plaintiff additional time
23 to inquire about this issue. Supreme Court precedent demonstrates the critical
24 importance of making sure that we empanel a completely unbiased fair and impartial
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1 jury that will follow the law and the gang issue is, respectfully, something that only
2 a limited instruction cannot unring the bell on.
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4 The following is the proposed instruction **based on the actual facts of this**
5 **case, and, respectfully, this is actually an instruction that every juror can**
6 **understand:**
7

8 *CalCrim Jury Instruction 1403*, as modified, provides as follows:
9

10 You may consider evidence of gang activity only for the limited
11 purpose of deciding whether:

12 The reason why the Los Angeles police department included Marco
13 Milla, a gang member since the age of 13, along with at least 9 other
14 gang members, in a list of suspects for a shooting was because they
15 knew him to be a member of a gang, and they claim they thought that a
16 gang member committed the shooting they were investigating.
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21 You may not consider this evidence for any other purpose. You may not
22 conclude from this evidence that the Marco Milla is a person of bad
23 character or that he had a disposition to commit crime or that he
24 committed the crimes alleged in the criminal case. Also, you may not
25 conclude from just this evidence that defendants had probable cause to
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1 arrest him. Every person in the United States including gang members
2 are entitled to be presumed innocent in any criminal case.
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5 DATED: June 15, 2023

Respectfully submitted,
LAW OFFICES OF MARTIN STANLEY

7 By: /s/ Martin Stanley
8 MARTIN STANLEY, ESQ.
9 Attorneys for Plaintiff,
10 MARCO MILLA
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